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SEP 21 1993

BEFORE THE BOARD OF REAL ESTATE APPRAISERS
OCCUPATIONAL LICENSES

STATE OF IDAHO

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SEP 29 1993

OCCUPATIONAL LICENSES

In the Matter of a License of:)
Ernest A. Burby)
License No. LRA-126,)
Respondent.)
_____)

Case No. REA-03-93-006

CONSENT ORDER

ORIGINAL

COMES NOW the Idaho State Board of Real Estate Appraisers (hereinafter "Board") and Ernest A. Burby (hereinafter "Respondent"), and enter into this Consent Order in lieu of a formal administrative hearing pursuant to § 54-4106 of the Idaho Code.

I.

For the purposes of this entry of this order, the following facts are hereby adopted by the Board:

1. That Respondent is a licensee of the Idaho State Board of Real Estate Appraisers and holds License No. LRA-126 to appraise residential real property in the State of Idaho. Respondent's license is and has been in full force and effect at all times pertinent herein. Respondent's license is subject to the provisions of title 54, chapter 41, Idaho Code, and the duly promulgated rules of the Idaho State Board of Real Estate Appraisers.

2. That Respondent engaged in the appraisal of certain real property located at 6020 W. Arco Highway, Idaho Falls, Idaho on March 24, 1993.

3. That the property appraised at 6020 W. Arco Highway, Idaho Falls, Idaho is a mobile home court operated as an income or commercial property.

4. Respondent is not licensed as a certified general real estate appraiser.

5. That performing a commercial appraisal without benefit of a Certified General Appraiser License violates the provisions of Rule F and § 54-4104(11), Idaho Code.

II.

I, Ernest A. Burby, by affixing my signature hereto, acknowledge that:

1. I have read and understand the allegations pending before the Board, as stated above in section I. I further understand that these allegations constitute cause for disciplinary action upon my license to appraise residential real estate in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses who would testify against me; the right to preserve evidence in my favor or to call witnesses in my behalf, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of appraising real estate in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of a pending allegation against me.

3. I understand that in signing this Consent Order, I am enabling the Board to impose disciplinary action upon my license without further process.

4. I admit the foregoing findings of fact and I specifically waive my right to contest these findings in any subsequent proceedings before the Board.

III.

1. Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby real estate License No. LRA-126, issued to Respondent, Ernest A. Burby, is hereby suspended for a period of sixty (60) days; provided, however, that said suspension is stayed and Respondent is placed on probation for a period of two (2) years on the following conditions:

a. Respondent acknowledges that the appraisal of commercial real property requires a Certified General Appraiser License.

b. Respondent will no longer engage in the practice of appraising commercial real property without the benefit of a Certified General Appraiser License.

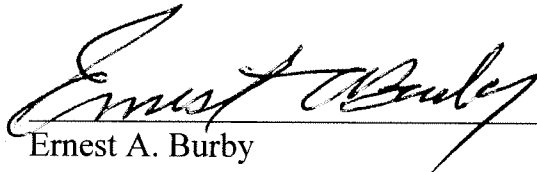
c. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of appraising real property in the State of Idaho.

d. Respondent further agrees to execute a release authorizing any person or entity having information relevant to Respondent's compliance with the provision of the stipulation and order to release such information to the Board.

2. The violation of the terms of this stipulation by Respondent will result in the termination of the stay and an order of suspension will issue. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation. Upon successful completion of the probation, Respondent's license will be fully restored.

3. I have read the above stipulation fully and have had the opportunity to discuss it with counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I also understand that by its terms, the Idaho State Board of Real Estate Appraisers will issue an order on the stipulation whereby my license to practice real estate appraising will be placed upon probation, subject to the above delineated terms and conditions. I agree to the above stipulation for settlement.

DATED this 27 day of SEPT., 1993.


Ernest A. Burby

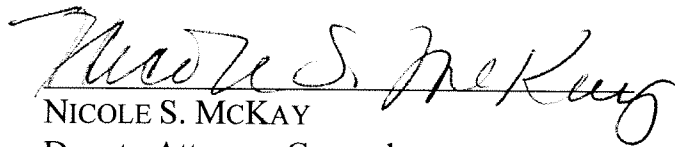
I concur in this stipulation and order.

DATED this _____ day of _____, 1993.

Attorney for Respondent

I concur in this stipulation and order.

DATED this 25th day of October, 1993.



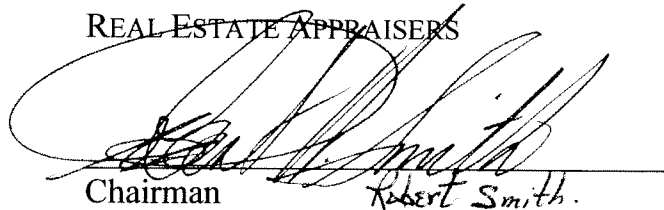
NICOLE S. MCKAY

Deputy Attorney General
Attorney for Complainant

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 25 day of October 1993.

IT IS SO ORDERED.

IDAHO STATE BOARD OF
REAL ESTATE APPRAISERS


Chairman Robert Smith.

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